

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

RODRIGO HERRERA ROJAS,

Plaintiff,

v.

CHICAGO TAXI MEDALLION
MANAGEMENT, INC. and KHALED
MAHMOUD, individually,

Defendants.

No. 14-cv-4370

Judge Harry D. Leinenweber

Magistrate Judge Jeffrey Cole

PLAINTIFF'S MOTION FOR DEFAULT JUDGMENT

Plaintiff, Rodrigo Herrera Rojas, by and through his attorneys, Caffarelli & Siegel, Ltd., moves this Honorable Court for entry a Default Order and Entry of Default Judgment against Defendants Chicago Taxi Medallion Management, Inc., and Khaled Mahmoud, individually pursuant to Fed. R. Civ. P. 55. In support of his motion, Plaintiff states as follows:

1. On June 12, 2014, Plaintiff filed his three-count Complaint in the instant action alleging violations of the Fair Labor Standards Act, 29 U.S.C. § 201, *et seq.* (FLSA) and Illinois Minimum Wage Law, 820 Ill. Comp. Stat. 105/1, *et seq.* (IMWL) for Defendants' failure to pay Plaintiff at a rate of one and one-half times his regular rate of pay for all hours worked in excess of forty (40) in one workweek, and violations of the Illinois Wage Payment and Collection Act ("IWPCA") for Defendants' failure to pay Plaintiff all agreed-upon compensation.

2. On September 30, 2014, the Court granted Plaintiff leave to serve Defendants by certified and regular mail to their last known address, 2550 West Lexington, Chicago, Illinois 60612. D.E. 10, 12.

3. On October 1, 2014, Plaintiff served Defendants by mailing a copy of the Complaint and Summons via certified and regular mail to Defendants' last known address. *See Exhibit A, Affidavit of Joanna Germann Zalewski; Exhibits B, C.*

4. Pursuant to Fed. R. Civ. P. 12(a)(1), Defendants' Appearance and Answer or other responsive pleading was due on or before October 24, 2014.

5. As of the date of filing this motion, neither Defendant has filed an Appearance or responsive pleading, no attorney has appeared on behalf of either Defendant, and Plaintiff's counsel has not been contacted by Defendants or any representative of Defendants.

6. Defendants are not infants or incompetent persons.

7. Plaintiff seeks a Default Order of Judgment against Defendants, stating that Defendants' actions and practices as set forth in the Complaint are in violation of the FLSA, IMWL, and IWPCA.

8. Plaintiff further requests that the Court schedule a prove-up hearing during which the Plaintiff will provide the Court with information to assess damages against Defendants. As set forth in their Complaint, Plaintiffs seek damages available under the FLSA, IMWL, and IWPCA, including:

- a. Back pay equal to the amount of all unpaid overtime compensation for the three (3) years preceding the filing of the Complaint in the instant matter;
- b. Liquidated damages in an amount equal to the amount of unpaid overtime compensation;
- c. All unpaid wages owed to Plaintiff pursuant to the IWPCA;
- d. Statutory damages pursuant to the formula set forth in 820 Ill. Comp. Stat. 115/14(a);
- e. Prejudgment interest;
- f. Punitive damages as allowed under 820 Ill. Comp. Stat. 105/12(a);

g. Reasonable attorneys' fees and costs incurred by Plaintiffs in connection with the instant action; and

h. Such further and additional relief as the Court may deem just and proper.

WHEREFORE, Plaintiff, Rodrigo Herrera Rojas, respectfully requests this Honorable Court to enter an Order (i) granting his Motion for Default Order of Judgment against Defendants Chicago Tax Medallion Management, Inc. and Khaled Mahmoud, (ii) scheduling a hearing to set assess damages as set forth herein, and (iii) any further relief this Court deems just and equitable.

Dated: October 29, 2014

Alejandro Caffarelli, #06239078
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Caffarelli & Siegel Ltd.
Two Prudential Plaza
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Chicago, Illinois 60601
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Respectfully submitted,
RODRIGO HERRERA ROJAS

By: /s/ Alejandro Caffarelli
Attorney for Plaintiffs

CERTIFICATE OF SERVICE

The undersigned, an attorney, certifies that on October 29, 2014, he caused a copy of the attached document, **Plaintiff's Motion for Default Judgment**, to be sent via U.S. Mail to the parties listed below:

Chicago Medallion Management, Inc.
c/o Khaled Mahmoud – Registered Agent
2550 West Lexington
Chicago, Illinois 60612

Khaled Mahmoud
2550 West Lexington
Chicago, Illinois 60612

/s/ Alejandro Caffarelli
Attorney for Plaintiff
Caffarelli & Siegel Ltd.
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